

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH GRICE,

Petitioner,

vs.

CASE NO. 05-CV-71627-DT
03-CR-80245-01
HON. LAWRENCE P. ZATKOFF

UNITED STATES OF AMERICA,

Respondent.

ORDER

On September 27, 2005, this Court adopted the Report and Recommendation of Magistrate Judge Scheer denying Petitioner's Motion to Vacate pursuant to 28 U.S.C. §2255. On December 14, 2005, this Court denied Petitioner's request for a Certificate of Appealability.

On December 30, 2005, Petitioner filed a motion to reconsider the issuance of a Certificate of Appealability. On January 11, 2006, Petitioner filed a motion for this Court to issue a Certificate of Appealability, which the Court will treat as a second motion for reconsideration.

The Court finds that the contentions set forth in the December 30, 2005 motion for reconsideration are merely a regurgitation of the arguments set forth previously. A motion for reconsideration is governed by E.D. MICH. LR 7.1(g)(3), which states, "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." Accordingly, because Petitioner's December 30, 2005 motion presents the same issues ruled upon by the Court, it is DENIED. Petitioner's Motion for the Court to Issue a Certificate of Appealability is likewise DENIED as it also restates previous arguments rejected by the Court.

For the foregoing reasons, Petitioner's motions for reconsideration dated December 30, 2005, and January 11, 2006, are DENIED. Once again, the Court ORDERS that no certificate of appealability shall issue in this matter. The Court's ruling on this is clear and final. As such, IT IS FURTHER ORDERED that any additional filings regarding a certificate of appealability on Petitioner's 28 U.S.C. §2255 Motion shall be treated as frivolous filings and may subject Petitioner to penalties, including contempt of court.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 7, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 7, 2006.

s/Marie E. Verlinde

Case Manager

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